

Message Text

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ACTION IO-13

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ARA-06 EA-07 NEA-10 CEA-01 CIAE-00 COME-00 FRB-03
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TAGS: UNIDO, EIND, OCON, PORC

SUBJECT: IGC-V - PRESIDENT'S NEGOTIATING GROUP

REF: VIENNA 2661

1. PRESIDENT'S NEGOTIATING GROUP TOOK UP QUESTION OF
ARTICLE 20 (AMENDMENTS) ON MARCH 31. REFTEL GIVES BACK-
GROUND OF THIS ISSUE.

2. AFTER SEVERAL HOURS OF DISCUSSION IN THE NEGOTIATING
GROUP AND WITHIN GROUP B, THE FOLLOWING TEXT EMERGED AS
POSSIBLY A GENERALLY ACCEPTABLE COMPROMISE. HOWEVER, THERE
STILL REMAINED TO BE RESOLVED THE QUESTION OF THE "SHOPPING
LIST" (REFTEL PARA 2 (D)), THE QUESTION OF THE VOTING FORM-
ULA TO BE SPECIFIED IN PARA 3(C) AND THE QUESTION OF WHETHER
THERE SHOULD BE IDB REVIEW OF PROPOSED AMENDMENTS TO EVEN
NON-SHOPPING LIST ARTICLES.

3. BEGIN TEXT: ARTICLE 20. AMENDMENTS. 1. AT ANY TIME
AFTER THE SECOND REGULAR SESSION OF THE CONFERENCE, ANY
MEMBER MAY PROPOSE AMENDMENTS TO THIS CONSTITUTION.

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TEXTS OF PROPOSED AMENDMENTS SHALL BE PROMPTLY COMMUNI-
CATED BY THE DIRECTOR GENERAL TO ALL MEMBERS AND SHALL
NOT BE CONSIDERED BY THE CONFERENCE UNTIL 90 DAYS AFTER
THE DISPATCH OF SUCH COMMUNICATION.

2. EXCEPT AS SPECIFIED IN PARA 3, AN AMENDMENT SHALL
COME INTO FORCE AND BE BINDING ON ALL MEMBERS WHEN: (A)

IT IS APPROVED BY THE CONFERENCE BY A 2/3 MAJORITY OF ALL MEMBERS, /HAVING REGARD TO ANY OBSERVATIONS OF THE BOARD/; AND (B) 2/3 OF THE MEMBERS HAVE DEPOSITED INSTRUMENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL OF THE AMENDMENT WITH THE DEPOSITARY.

3. AN AMENDMENT RELATING TO ARTICLE /5, 8, 8 BIS, 10 BIS, 11, OR 20 OR TO ANNEX III/ SHALL COME INTO FORCE AND BE BINDING ON ALL MEMBERS WHEN: (A) IT IS RECOMMENDED BY THE BOARD TO THE CONFERENCE BY A VOTE OF 2/3 OF ALL MEMBERS OF THE BOARD; (B) IT IS APPROVED BY THE CONFERENCE BY A 2/3 MAJORITY OF ALL MEMBERS; AND (C) /3/4/ OF THE MEMBERS HAVE DEPOSED INSTRUMENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL OF THE AMENDMENT WITH THE DEPOSITARY. END TEXT.

4. AT THIS STAGE GROUP B CHAIRMAN STATED READINESS OF GROUP B TO DROP ARTICLES 8 AND 8 BIS FROM THE SHOPPING LIST (US DEL POSITION ON THIS CONCESSION WAS AD REFERENDUM) PROVIDED G-77 ACCEPTED WITHOUT RESERVATION THE FIGURE OF 5 PERCENT FOR INCLUSION IN ANNEX III SECTION B (DEFINING THE PROPORTION OF UNIDO'S REGULAR BUDGET THAT COULD BE USED TO FINANCE TECHNICAL ASSISTANCE). THIS OFFER FOLLOWED EXTENDED G-77 ARGUMENT DIRECTED AT ELIMINATING ARTICLES 8 AND 8 BIS FROM THE SHOPPING LIST AND THREAT THAT, IF GROUP B INSISTED O "FREEZING FOREVER" THE SIZE AND COMPOSITION OF THE BOARD AND PBC, THE G-77 MIGHT BE FORCED TO WITHDRAW FROM THE AGREEMENTS PREVIOUSLY REACHED ON THESE POINTS. G-77 DEFERRED DECISION ON THIS OFFER BUT INDICATED LIMITED OFFICIAL USE

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5 PERCENT FIGURE WOULD BE DIFFICULT TO ACCEPT.

5. NEGOTIATING GROUP RESUMED CONSIDERATION OF ARTICLE 20 ON APRIL 1. AT THIS TIME, G-77 INSISTED THAT GROUP D ALSO AGREE TO DROP 8 AND 8 BIS FROM THE SHOPPING LIST. WHEN GROUP D REFUSED TO DO SO, NIGERIAN AMBASSADOR AS CHAIRMAN OF G-77, ANNOUNCED WITHDRAWAL OF PREVIOUS AGREEMENT ON SIZE AND COMPOSITION OF THE BOARD AND PBC AND REQUESTED THAT THE RELEVANT TEXTS BE RETURNED TO BRACKETS. GROUP B THEREUPON WITHDREW ITS AGREEMENT THAT THE 2/3 MAJORITY PRESENT AND VOTING FORMULA BE APPLIED TO DECISIONS ON BUDGET AND FINANCIAL MATTERS TAKEN UNDER ARTICLES 11 AND 12.

6. WHEN THE DUST HAD SETTLED, ARTICLE 20 ENDED UP WITH THE FOLLOWING BRACKETED LANGUAGE: (A) PARA 2(A): "UPON RECOMMENDATION OF THE BOARD" INSISTED UPON BY GROUP D TO REPLACE "HAVING REGARD TO ANY OBSERVATIONS OF THE BOARD"; (B) THE SHOPPING LIST IN THE CHEAPEAU TO PARA 3 IS IN

VARIOUS BRACKETS REFLECTING LACK OF AGREEMENT AMONG THE
DIFFERENT GEOGRAPHICAL GROUPS ON WHICH ARTICLES TO INCLUDE;
(C) ALTERNATE VOTING FORMULAE ARE SET OUT IN PARA 3(A),
WITH GROUPS B AND D SUPPORTING A 3/4 VOTING FORMULA FOR
BOARD RECOMMENDATION OF SHOPPING LIST AMENDMENTS
TO THE CONFERENCE AND THE G-77 SUPPORTING A 2/3 FORMULA;
(D) THE SAME ALTERNATE VOTING FORULAE ARE SET FORTH IN
PARA 3(C) WITH THE SAME GROUP SUPPORT.

7. AT THIS POINT, (APRIL 1, 8:00 P.M.) SUBSTANTIVE DIS-
CUSSION IN THE PRESIDENT'S NEGOTIATING GROUP ENDED.STIBRAVY

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